

Topsfield Conservation Commission
Meeting of Wednesday, September 26, 2012
Topsfield Library Meeting Room

Present: Commissioners Mark Erickson (Chair), Jennie Merrill (Vice-Chair), Holger Luther, Jim Carroll, Cheryl Jolley, Jim MacDougall, Rick Muka; Administrator Lana Spillman; Minutes Secretary Debbie Rogers; Selectman Liaison Dick Gandt.

Absent: None

The meeting was called to order at 7:03 PM with a quorum present.

PUBLIC HEARING:

Continued NoI #307-0691: 14 Honor Place, (Map 12, Lot 034), Doane

Present: Tim Doane, Property Owner

A continuation of a public hearing for NoI 307-0691:14 Honor Place, was held to consider the removal of an in-ground pool in a Buffer Zone and Riverfront area of Howlett Brook.

National Heritage sent a letter stating that this project meets the state-listed performance standard to issue an Order of Conditions and that it is exempt from MESA review.

Luther made a motion to close the hearing. Carroll seconded the motion and it passed unanimously. Luther moved to issue an Order of Conditions to permit the work proposed in NoI 307-0691, under the Act and Bylaw subject to the usual conditions of sedimentation control, and the order of conditions specified by the TCC. The motion was seconded by Carroll and passed unanimously

NoI #307-0692: 7 New Meadow Lane, (Map 74, Lot 008), Wood/Hayes Engineering

Present: John Wood, Property Owner

A public hearing was held for NoI #307-0692: 7 New Meadow Lane, to consider a shed, fence, and tennis court constructed in Buffer Zone and Riverfront Area of Nichols Brook without prior authorization from the TCC. Spillman recommended installing a rain garden in the Buffer Zone to collect the water runoff from the tennis court and promote infiltration and groundwater recharge.

Wood would like to install the proposed rain garden which will run the entire length of the left (west) side of the tennis court; the court has a slight left slope to it. The work would be done by hand and a copy of the proposed plan from the landscaper was brought to the meeting. The shed and tennis court that were installed in 1999 are included on the plan. The area soil is stabilized with grass, and Wood said the soil on his property and the tennis court drain well.

Luther moved to close the hearing. Jolley seconded and the motion passed unanimously. Luther made a motion to issue an Order of Conditions, after the fact, for the tennis court and the shed, and before the fact for the rain garden as it is represented on the sketch, figure 1, dated September 26, 2012, with the planting schedule. Jolley seconded the motion and it passed unanimously.

REQUESTS:

COC #307-0665: 1 Pond Street, (Map 002, Lot 006), Bresnahan

Spillman explained that the project originally was a septic system replacement related to a sale. Clear-cutting of vegetation adjacent to the pond resulted in restoration and follow-up monitoring conditions in the Order. The site has been monitored for a couple of years and the owner is very willing to control invasive species and is concerned about the health of the pond. The homeowner has expressed interest in establishing a pond association. MacDougall explained how the health of

the pond is excellent and it is entirely dependent upon the immediate abutters to maintain their septic systems. The bacteria testing came back with very good results at almost undetectable levels. There is a blue/green algae that blooms about every year in August/September and is not of concern. There is also good news that the highly invasive Water Chestnut plant has been eradicated. Erickson, Luther, and MacDougall worked on a project starting three years ago that removed 800 pounds of Water Chestnut from Hood Pond. MacDougall explained how this project was a significant success as this plant is highly invasive and potentially dangerous. The pointed spines on this plant will pierce through sneakers like sharp spikes. The labor intensive project was very beneficial for this area, including the landowners on Hood Pond, as it controlled a very invasive plant before it had the opportunity to establish. Spillman visited the site and found the property in compliance with the OoC and recommended the TCC issue a CoC. Luther made a motion to issue a CoC for 1 Pond Street and Merrill seconded the motion. The motion passed unanimously.

RDNI 2012-09: 5 Fox Run Road, (Map 47, Lot 028), Bokor

Spillman explained how there is a 3-season room and deck in the Buffer Zone/Riverfront area of Slough Brook that are in need of repairs. The property owners would like to replace the 3-season room and deck with a two-story addition and new deck using the same footprint. The request is for the installation of supports for this project. The work and the footings would be done by hand. There will be condition requiring sedimentation controls in the Determination. Spillman recommended removal of brush, grass clippings, and other yard waste that have been dumped in the BVW. Brush could be taken to the THD garage, and a compost area could be created for the grass clippings. MacDougall explained how it is important there is no fill added to the floodplain areas as it may exacerbate flooding on the homeowner's property and on nearby neighboring properties. There will be a condition that no more brush/clippings be placed in the BVW. Luther made a motion to issue a DNI for this project relative to the construction of the piers and the addition, with the condition that they remove the fill and tree clippings from the Bordering Vegetated Wetlands in whatever way the property owners determine, as is appropriate. Jolley seconded the motion and it passed unanimously

OTHER:

Amended Enforcement Order 1/18/12: 215 and 221 Washington Street, (Map 47, Lot 002)
Galka- update

Spillman spoke with Ron Stelling of the DEP, who said the Riverbank at 221 Washington Street has reestablished naturally, and the soil pile at 215 Washington Street will be used for backfill where the oil tank was located. There was discussion on planting water plants to help control the growth of invasive plants in the area. There was further discussion about the properties and the TCC decided to have the DEP take over the situation.

OoC 307-0678: 207 Boston Street/Topsfield Fairgrounds – Fairgrounds parking – update

Luther has visited the Field 1 site and overall it looks good. The grounds are mowed at a low level except for the very wet areas. There are large monitoring wells with minimal water at this date. The wells closest to the housing trailer area had water, but most of the wells are currently dry. Most of the land area does not have standing water except for some large patches which are to be roped off and demarcated prior to Friday, the first day of the Fair. The site will need another inspection when there is rain. Spillman will contact the Fair to request that the wet areas be staked and roped off and TCC is to be contacted when a modification of parking areas is proposed. Luther will contact them for updates on proposed parking locations and to monitor the wells.

Amended Enforcement Order 9/15/08, 270 Boston Street, (Map 41, Lot 087) – update and discussion with Albrights and DeRosa

Present: Pam and Bear Albright, property owners

MacDougall recused himself from the discussion and left the meeting for the evening.

There was discussion about the Enforcement Order, the status of the property, and how the TCC is waiting for the previously requested letter from the Albrights explaining the specific enforcement requirements they seek relief from and why. The property is not in compliance with the Enforcement Order and Restoration Plan originally agreed to by the TCC, DeRosa, and the Albrights. The TCC explained how they cannot amend an Enforcement Order without knowing specifically which requirements and the reason why, as they need a specific written request to consider. The Albrights said that they will write a letter clarifying their request, including the Enforcement Order requirements originally agreed to, and the modifications they would like the TCC to consider. The letter is expected at least one week prior to the next TCC meeting to allow for distribution to TCC prior to the meeting.

Revisions to Topsfield Wetlands Bylaw Regulations

Luther submitted a revised version to Spillman, who edited the document. They are now working on revision 3. Luther will email this revision to the TCC for review. There was discussion on how some applicants request a waiver of the bylaw fee in specific situations, such as the teardown and construction of a new home. The fee page has some sections that can be eliminated. The TCC will continue to work on different sections of the Bylaw Regulations.

ADMINISTRATOR'S REPORT

MAAC Erosion and Sediment Control Workshop October 17

There will be a MAAC Erosion and Sediment Control Workshop on October 17, 2012 at the Topsfield Library. Spillman recommended those interested in the workshop contact Pauline to register.

Cross Street/Meredith Farm, Enforcement

Spillman was on a site visit with Bill Manuell of Wetlands and Land Management, the new owners, and the EPA last week. Overall, the site looks good and the remaining area that needed loam and seed is finished. The property owners would like to add trout to the pond, but unfortunately, the pond is not suitable for cold water fish. Corn is no longer grown in the corner field of property and has been replaced with grasses. Efforts are being made to control invasive plants. Spillman is pleased with the progress of the restoration on the property.

TCC 2006-01, 72 Hill Street, (Map 69, Lot 16) – update

Spillman visited the site for two hours. Early this past summer, the owners hired a landscaper who dug a trench from the outlet of the pipe on the adjacent upslope property, down to and perpendicular to the area of the previously constructed drainage trench, ~3-4 feet wide by ~3-4 feet deep, filled with stone then covered with soil and grass, in addition to other unpermitted work. An unauthorized stone wall was installed that may affect the septic system components. John Coulon the TBoH Agent will visit the site and determine the effect, if any. There is a need to modify the initial Order and the previously prepared as-built plan (for the TBoH) does not include this extensive new work.

292 Ipswich Road – Vernal Pool certified by NHESP

The vernal pool at 292 Ipswich Road and submitted by TCC Intern Lydia Erickson was officially certified in June 2012.

ADJOURNMENT:

A motion was made by Luther at 8:31 PM to adjourn the meeting. It was seconded by Merrill and passed unanimously.

Respectfully submitted,

Debbie Rogers
Minutes Secretary

Accepted at the TCC meeting on October 10, 2012.

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.